

# **EXHIBIT C**

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Page 1

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE EASTERN DISTRICT OF TEXAS  
3                   TYLER DIVISION

4                   ADJUSTACAM, LLC,                                 )  
5   )  
6                   Plaintiff,   )  
7   ) CIVIL ACTION  
vs.   ) NO.  
8                   AMAZON.COM, INC., ET AL,                         ) 6:10-CV-329-LED  
9   )  
Defendants.   )

10 \*\*\*\*\*

11                   ORAL DEPOSITION OF

12                   CLAYTON HAYNES

13 (DESIGNATED HIGHLY CONFIDENTIAL ATTORNEYS EYES ONLY)

14                   August 30th, 2012

15 \*\*\*\*\*

16                   ANSWERS AND DEPOSITION of CLAYTON HAYNES,  
17 taken at the instance of the Defendants, on the 30th  
18 day of August AD 2012 in the above styled and numbered  
19 cause at the offices of United American Reporting  
20 Services, Inc., 1201 Elm Street, Suite 5220 in Dallas,  
21 Dallas County, Texas, before David B. Jackson, RDR, a  
22 Certified Shorthand Reporter in and for the State of  
23 Texas, pursuant to the Federal Rules of Civil Procedure  
24 and the provisions stated on the record.

25

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1 connection with litigation?

2 A. I was -- I'm sorry.

3 MR. EDMONDS: Go ahead.

4 A. I would need to take a look at it to refresh  
5 my memory.

6 Q. (BY MR. HEBERHOLZ) Okay. Aside from the  
7 Chicony settlement agreement, are you aware of any  
8 other settlement agreements involving AdjustaCam or  
9 license agreements that were negotiated outside of  
10 litigation?

11 A. Well, again, in connection with my preparation  
12 I didn't seek to separate them out between the two, so  
13 I -- in order to -- to address your question I would  
14 need to thumb through the agreements to see. I just  
15 didn't make mental note of whether they were broken out  
16 between settlement versus license or either.

17 Q. You said that AdjustaCam engages in licensing,  
18 enforcement and protection from unauthorized use of its  
19 intellectual property; is that right?

20 A. I believe that's how I described its business.

21 Q. Okay. Let's talk about enforcement. Does  
22 enforcement mean litigation?

23 A. Again, I'm not an attorney. I believe one  
24 aspect of enforcement is -- is that you may be required  
25 to -- to file litigation with respect to alleged

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1 infringement.

2 Q. Has AdjustaCam taken any enforce- --  
3 enforcement actions with regard to the '343 Patent or  
4 any patents that don't involve litigation?

5 MR. EDMONDS: Objection, scope.

6 A. Again, all those types of matters are handled  
7 by external counsel, so I don't believe I can testify  
8 with respect to an answer to that question.

9 Q. (BY MR. HEBERHOLZ) And you also mentioned  
10 protecting from unauthorized use of its intellectual  
11 property. Can you give me an example of a time when  
12 AdjustaCam has taken efforts to protect the '343 Patent  
13 from unauthorized use that did not involve litigation?

14 A. Again, those matters are handled by external  
15 counsel and I didn't undertake, you know, a search for  
16 information with respect to the answer to that  
17 question.

18 Q. When we were looking through the AdjustaCam  
19 settlement agreements today, Mr. Haynes, there were a  
20 number of officers of AdjustaCam that signed those  
21 agreements. Do you recall that generally?

22 A. I do.

23 Q. Okay. I have listed a Paul Ryan as being a  
24 CEO of AdjustaCam. Dooyong Lee also being a CEO of  
25 AdjustaCam. I have you signing agreements as the chief

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1 financial officer of AdjustaCam. And then I saw at  
2 least one of the agreements where Mr. Harris signed as  
3 the president of AdjustaCam.

4 Aside from those four individuals, are  
5 you aware of any other individuals that have served as  
6 an officer of AdjustaCam?

7 A. I'm not aware of any other individuals.

8 Q. I believe this morning you testified that  
9 AdjustaCam does not have a research and development  
10 facility.

11 A. Correct.

12 Q. Does AdjustaCam have any plans to build a  
13 research and development facility?

14 A. Not to my knowledge.

15 Q. Does AdjustaCam have any plans to design  
16 products?

17 A. Not to my knowledge.

18 Q. Does AdjustaCam have any plans to sell  
19 products?

20 A. Not to my knowledge.

21 Q. Does AdjustaCam employ any engineers?

22 A. AdjustaCam does not.

23 Q. AdjustaCam's office you said was in Frisco,  
24 Texas?

25 A. I believe so.

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1 Q. Is there any equipment in that office?

2 Computers, for example?

3 MR. EDMONDS: What topic is that under,  
4 counsel?

5 MR. HEBERHOLZ: That's topic number 18.

6 MR. EDMONDS: Of what equipment they have  
7 in their office?

8 MR. HEBERHOLZ: Yeah. All business they  
9 conduct.

10 MR. EDMONDS: Don't answer that.

11 MR. HEBERHOLZ: Are you instructing him  
12 not to answer?

13 MR. EDMONDS: Yes, I am.

14 MR. HEBERHOLZ: Again?

15 MR. EDMONDS: Yes, I am.

16 Q. (BY MR. HEBERHOLZ) Are you going to follow  
17 your counsel's instructions?

18 A. Yes, I am.

19 Q. Okay. So you're not going to tell me how many  
20 computers are in AdjustaCam's office. How many desks  
21 are in that office?

22 MR. EDMONDS: Same thing. It's not under  
23 a topic. If you can point to a topic, we'll reconsider  
24 it, but it's not --

25 MR. HEBERHOLZ: I pointed to topic number

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1 18.

2 Q. (BY MR. HEBERHOLZ) Do you have an AdjustaCam  
3 business card?

4 A. I'm sorry. Do --

5 Q. Do you have an AdjustaCam business card?

6 A. Do I have one?

7 Q. Yes.

8 A. I do not.

9 Q. Are you aware of anybody that has a business  
10 card from AdjustaCam?

11 MR. EDMONDS: Objection, scope.

12 A. I don't know whether somebody does or does  
13 not.

14 Q. (BY MR. HEBERHOLZ) Are there any AdjustaCam  
15 e-mail addresses? For example,  
16 claytonhaynes@adjustacam.com?

17 MR. EDMONDS: Objection, scope.

18 A. I'm not aware of any e-mail addresses that  
19 either do or do not exist.

20 MR. HEBERHOLZ: I'm going to pass the  
21 witness. Ezra, do you have any questions?

22 MR. SUTTON: Hold on one second. Just  
23 take a two minute break. I just want to go over my  
24 notes.

25 MR. EDMONDS: Okay.

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1      AdjustaCam review the complaint before it was filed  
2      with the Court?

3                    MR. EDMONDS: Objection, scope.

4                    A. I believe that was asked earlier today and  
5      I'll refer back to my initial testimony.

6                    Q. (BY MR. SUTTON) Well, it's a simple yes or  
7      no. Could you just repeat it? Give your answer, I  
8      mean?

9                    MR. EDMONDS: Objection, scope.

10                  A. I did not review the complaint and I don't  
11      know to what extent anybody did or did not at  
12      AdjustaCam, as it was handled by outside counsel.

13                  Q. (BY MR. SUTTON) And I'm sorry, I know Dana  
14      asked you this question before, but how many people are  
15      at AdjustaCam?

16                  A. AdjustaCam does not have any employees. ✓

17                  Q. Are you an employee?

18                  A. Of?

19                  Q. AdjustaCam?

20                  A. AdjustaCam does not have any employees. ✓

21                  Q. So who is your employer? ✓

22                  A. I'm employed by Acacia Research Group LLC. ✓

23                  Q. Can you explain how AdjustaCam operates  
24      without any people working for it? ✓

25                  MR. EDMONDS: Objection, scope.

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1           A.     Sure.  Is there a particular topic that that  
2 falls under?

3           Q.     (BY MR. SUTTON) I don't know.  If you don't  
4 want -- if you can't answer the question or don't want  
5 to answer the question I guess you could say that on  
6 the record, but I think it's a pretty straight forward  
7 and simple question about AdjustaCam, the party who is  
8 the plaintiff in this case.  Are you refusing to answer  
9 or you don't know?  What's -- what -- what do you want  
10 to say?

11               MR. EDMONDS: Objection, scope.

12 Objection to the form of whatever that question was.

13           A.     Okay.  So if you can do me a favor and just  
14 restate the question for me.

15           Q.     (BY MR. SUTTON) If AdjustaCam has no ✓  
16 employees how does it operate?

17               MR. EDMONDS: Objection, scope.

18           A.     AdjustaCam receives employee services from ✓  
19 Acacia Research Group LLC.

20           Q.     What does that mean?

21           A.     It means -- it means that there are employees ✓  
22 of Acacia Research Group LLC that provides services to  
23 AdjustaCam.

24           Q.     Who are those employees of Acacia? ✓

25           A.     It's Acacia Research Group LLC is the entity ✓

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1 that I identified. ✓

2 Q. Yes. And who are the employees that provide ✓  
3 services to AdjustaCam?

4 A. Well, I -- I believe I mentioned earlier a  
5 Steve Wong is an employee of Acacia Research Group LLC ✓  
6 that has provided services to AdjustaCam. I'm also an  
7 employee of Acacia Research Group LLC and I have  
8 provided services to AdjustaCam.

9 Q. Anyone else?

10 A. There are individuals that have executed  
11 agreements, AdjustaCam agreements. Namely, Paul Ryan,  
12 Chip Harris and Dooyong Lee who have provided services  
13 to AdjustaCam.

14 MR. SUTTON: I'm sorry, I didn't get  
15 those names. Can the reporter read them back to me  
16 with the correct spellings?

17 (Record read back.)

18 MR. SUTTON: Okay. I got Paul Ryan. Who  
19 was the next person?

20 THE REPORTER: Chip Harris.

21 MR. SUTTON: Chip Harris. And who else?  
22 Was there anyone else? In his answer did you get any  
23 other names?

24 THE REPORTER: Are we off the record? I  
25 can't write and answer questions.

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1                   MR. SUTTON: Oh, I'm sorry. Was there  
2 anyone else in his answer besides Young Lee?

3                   MR. EDMONDS: Why don't you just ask  
4 witness? Our court reporter is getting a little  
5 frustrated here.

6                   Q. (BY MR. SUTTON) All right. Mr. Haynes, the  
7 court reporter mentioned Paul Ryan, Chip Harris and  
8 Young Lee; is that correct?

9                   A. The last individual's name is Dooyong Lee.  
10 D-o-o-y-o-n-g, Lee, L-e-e.

11                  Q. Okay. Was there anyone else that you  
12 mentioned?

13                  A. No.

14                  Q. So now who -- who at Acacia signed the  
15 settlement agreements for AdjustaCam?

16                  A. There are -- and -- and again, just to be  
17 specific, I indicated that the employee services  
18 company is Acacia Research Group LLC, and so  
19 individuals that have executed agreements for  
20 AdjustaCam are myself, Paul Ryan, Chip Harris and  
21 Dooyong Lee.

22                  Q. And if I -- tell me if I'm wrong, but my  
23 understanding is though that the settlement agreements  
24 that you looked today -- looked at today were signed by  
25 the party AdjustaCam, correct?

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1           A. A number of the agreements today had as a  
2 party to the agreements, AdjustaCam LLC. AdjustaCam  
3 LLC.

4           Q. I'm sorry?

5           A. A number of the agreements that I believe we  
6 looked at on the record today, one the parties to those  
7 agreements was AdjustaCam LLC.

8           Q. And -- and am I correct that the signatory box  
9 was signed on behalf of AdjustaCam LLC, correct?

10          A. Based on my recollection, I believe that's  
11 correct.

12          Q. And some of the individuals that you just  
13 mentioned that executed those agreements in the box  
14 that said AdjustaCam LLC, they were employees of Acacia  
15 Research LLC, correct? ✓

16          A. Acacia Research Group LLC, correct. ✓

17          Q. Is that correct? ✓

18          A. With the correction that it's Acacia Research  
19 Group LLC.

20          Q. All right. Let me repeat the question.

21                   Some of the people that you've mentioned  
22 earlier signed the settlement agreements on behalf of  
23 AdjustaCam, but they were employees of Acacia Research  
24 Group LLC, correct?

25          A. Those individuals executed agreements on

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1 Q. And where do you get your authority to sign a  
2 settlement agreement on behalf of AdjustaCam LLC?

3 MR. EDMONDS: Objection, scope.  
4 Objection, form.

5 A. Well, again, I'm not an attorney and I'm  
6 certainly not a corporate attorney. But I'm an officer  
7 of AdjustaCam LLC. ✓

8 Q. (BY MR. SUTTON) But you get no payments for  
9 performing those functions -- any functions for  
10 AdjustaCam LLC -- AdjustaCam LLC; is that correct? ✓

11 A. Correct. ✓✓

12 Q. And is that -- is that also true of Paul Ryan,  
13 that he does not get any payments from AdjustaCam LLC  
14 although he's an officer of AdjustaCam LLC? ✓

15 MR. EDMONDS: Objection, scope. ✓

16 A. Yes. ✓

17 Q. (BY MR. SUTTON) And is that also true of  
18 Dooyong Lee, that he performs functions for AdjustaCam  
19 LLC and does not get any payment for them? ✓

20 MR. EDMONDS: Objection, scope. ✓

21 A. I'm sorry, any -- I'm sorry. Does not get any  
22 payment from AdjustaCam LLC? Is that your question? ✓

23 Q. (BY MR. SUTTON) Yes. ✓✓

24 A. Correct. Correct. ✓

25 Q. So let me go back and rephrase a question I

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1 asked you earlier, because I didn't realize the  
2 relationship between those persons that we've been  
3 talking about.

4 Did you or any of the persons that we've  
5 just been talking about review the complaint in this  
6 case before it was filed with the Court?

7 MR. EDMONDS: Objection, scope.

8 Objection, form.

✓✓

9 A. I did not review the complaint and I don't  
10 know to what extent any of the other individuals did or  
11 did not review the complaint.

12 Q. (BY MR. SUTTON) Well, do you have any  
13 knowledge that Mr. Ryan reviewed the complaint before  
14 it was filed with the Court?

15 MR. EDMONDS: Objection, scope.

16 A. I do not know whether he did or did not review  
17 the complaint prior to filing.

18 Q. (BY MR. SUTTON) Okay. But sitting here  
19 today, you don't have any knowledge that he reviewed  
20 the complaint before it was filed with the Court?

21 MR. EDMONDS: Objection, scope.

22 A. Correct. I don't have any knowledge whether  
23 he did or did not.

24 Q. (BY MR. SUTTON) And with regard to  
25 Mr. Dooyong Lee, do you have any knowledge as to

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1 MR. EDMONDS: Objection, scope.

2 A. Just -- just to be clear, I'm -- you know, I  
3 believe I'm testifying on behalf of AdjustaCam. But  
4 I'm sorry, can you repeat that last question?

5 Q. (BY MR. SUTTON) Okay. You're testifying on  
6 behalf of AdjustaCam, but you have also testified  
7 earlier that -- that you are -- you and these other  
8 gentlemen are -- are employees of Acacia Research  
9 Group, correct? ✓

10 A. Acacia Research Group LLC is the entity. ✓

11 Q. What's the answer to the question?

12 MR. EDMONDS: Objection, scope.

13 A. Well, I was just clarifying that -- that I  
14 testified that we were employees of Acacia Research  
15 Group LLC. ✓

16 Q. (BY MR. SUTTON) My question was, did any of  
17 you participate in gathering evidence regarding the  
18 accused products included in this complaint?

19 MR. EDMONDS: Objection, scope.

20 A. I'm sorry, the phrase "any of you," I --

21 Q. (BY MR. SUTTON) Do you want me to repeat the  
22 names for you? I can do it. ✓

23 A. Or just clarify who you're referring to.

24 Q. Okay. Did you or Mr. Ryan or Mr. Harris or  
25 Mr. Lee participate in gathering evidence on the

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1 just mentioned earlier?

2 MR. EDMONDS: Objection, scope. Can you  
3 read back his last answer, please.

4 (Record read back.)

5 Q. (BY MR. SUTTON) Okay. But my question was,  
6 do you have any knowledge as a result of your dealings  
7 with AdjustaCam and Acacia as to what -- what -- what  
8 products were investigated and looked at prior to the  
9 filing of the lawsuit?

10 MR. EDMONDS: Objection, scope.

11 A. Yeah, the extent of AdjustaCam's knowledge is  
12 that, as I testified earlier, that pre-suit  
13 investigation was handled by outside counsel. And then  
14 I testified to the products that I was prepared to  
15 speak to today at today's deposition. /

16 Q. (BY MR. SUTTON) Okay. But my question is --  
17 had to do with your knowledge separate and apart from  
18 your specific preparation for today's deposition.

19 Do you have any knowledge from the last  
20 three years of your involvement with -- well, let me go  
21 back.

22 How long have you been involved with  
23 AdjustaCam and Acacia?

24 A. I'm sorry, could you clarify what you mean by  
25 "Acacia."

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1 Q. Acacia Research Group LLC.

2 A. I believe I've been involved since the  
3 inception of both entities.

4 Q. What date are we talking about?

5 A. Without the books and records, I -- I can't  
6 sit here today -- sitting here today, I can't tell you  
7 the dates that they were formed.

8 Q. I'm not asking you the date they were formed.  
9 I'm asking you the date that you were involved with  
10 them -- yeah, what date were you involved with them?

11 MR. EDMONDS: Objection, form.

12 A. Well, I believe that I've been involved with  
13 those two entities since -- since they were formed.

14 Q. (BY MR. SUTTON) That's what you said before,  
15 so now I asked you for: When did you become involved  
16 with those two entities?

17 A. I guess beginning on the date that they were  
18 formed.

19 Q. Okay. So what is your knowledge that you  
20 became involved with them?

21 MR. EDMONDS: You're just asking for his  
22 personal knowledge, not as part of the notice?

23 MR. SUTTON: Of course. I mean he has  
24 personal knowledge sitting here. Yes. The answer is  
25 yes, of course I'm asking about his personal knowledge.

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1                   MR. EDMONDS: Well, he was not noticed in  
2 his individual capacity, Mr. Sutton. You need to  
3 confine your questions to what's included in the 30(b)6  
4 notice.

5                   Q. (BY MR. SUTTON) I'm asking, Mr. Haynes, when  
6 did you become involved with Acacia Research Group LLC  
7 and with AdjustaCam LLC?

8                   A. Are you looking for a date?

9                   Q. Yes.

10                  A. Okay. And I believe I testified earlier that  
11 without the books and records, I can't tell you a date  
12 when those entities were formed.

13                  Q. I didn't ask you when they were formed. I  
14 asked you when you became involved with them?

15                  A. And I believe my testimony earlier was that  
16 I've been involved with them since they were formed.

17                  Q. I understand.

18                  A. However --

19                  Q. But now I'm asking you been when did you  
20 become involved with them -- your own personal  
21 knowledge as to when you started working for them or  
22 becoming involved with them?

23                  A. I do not know the date, sitting here today.

24                  Q. Do you have an approximate date?

25                  A. It's not one of the things I prepared to

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1 testify about today, and so sitting here today, I do  
2 not know the date.

3 Q. Do you have an approximate year?

4 A. I don't want to speculate without looking at  
5 the books and records.

6 Q. I'm not asking you to speculate. I'm asking  
7 you if you have any personal knowledge of when you  
8 became involved with the Acacia Research Group and  
9 AdjustaCam?

10 MR. EDMONDS: Objection, form.

11 A. Yeah, without the books and records I do not  
12 recall the dates that those two entities were formed.

13 Q. (BY MR. SUTTON) I didn't ask you for the  
14 dates that they were formed. I asked you when you  
15 started becoming involved with them and working for  
16 them?

17 A. Without the books and records, I -- I do not  
18 know when I first began to be involved with those two  
19 entities except to say that I've been involved since  
20 the inception of both of those entities.

21 Q. Were you involved with Acacia and AdjustaCam  
22 since -- since prior to the filing of this lawsuit in  
23 July 2010?

24 A. Yes, I've been involved since inception of  
25 those two entities.

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1 Q. Why do you change my question? That's not  
2 what I asked you.

3 A. That's --

4 MR. EDMONDS: That's not a question.

5 Q. (BY MR. SUTTON) I asked you a very specific  
6 question. Were you involved with those entities at the  
7 time of the filing of this lawsuit in July 2010?

8 A. Yes. Yes.

9 Q. And with regard to Acacia, how -- about how  
10 long prior to that were you involved with Acacia?

11 MR. EDMONDS: Objection, form.

12 A. How long -- how long prior to what, sir?

13 Q. (BY MR. SUTTON) July 2010.

14 A. And what entity are you referring to when you  
15 say "Acacia"?

Q. Acacia Research Group LLC.

17 A. I believe my previous testimony was that I do  
18 not recall the date that it was formed. And so since I  
19 don't know that date, I can't tell you how long.

20 In an effort to be helpful, I've been  
21 involved with Acacia Research Group since inception,  
22 but I do not know that date.

23 Q. Was it in 2010 or 2009?

24 A. I do not know the date.

25 Q. You have no idea what year it was that you

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1       became involved with Acacia Group Research (sic) LLC?

2           A.    I don't want to speculate without the books  
3       and records. And that's not one thing I prepared to be  
4       able to testify about today.

5           Q.    Well, on the topics today, topic number 22 is  
6       all facts and circumstances relating to any financial  
7       arrangements that AdjustaCam has with Acacia. Are  
8       you -- did you prepare for that answer?

9           A.    I believe so, yes.

10          Q.    Okay. So when were the first financial  
11       arrangements that you're aware of between AdjustaCam  
12       and Acacia Research Group LLC? 

13          A.    Well, AdjustaCam LLC is a wholly owned  
14       subsidiary of Acacia Research Group LLC. 

15          Q.    Is that the answer to the question?

16          A.    I do not recall the date that AdjustaCam was  
17       formed, sitting here today.

18          Q.    Okay. Topic number 22 says -- I'll read it  
19       again. All facts and circumstances relating to any  
20       financial arrangements that AdjustaCam has with Acacia.  
21       Did you review any records to answer that question?

22          A.    Yes, I believe I did.

23          Q.    What did you review?

24          A.    Well, I'm sorry, let me clarify. I -- I  
25       believe that I considered the topic, and based on the

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1 topic, I believe that I came prepared to discuss that  
2 topic today.

3 Q. I asked you what did you review?

4 A. Well, I -- I wanted to clarify that I didn't  
5 necessarily review a specific document.

6 Q. Did you review any documents in preparation of  
7 that answer?

8 A. I don't believe I did.

9 Q. So you failed to prepare or review any  
10 documents in response to topic number 22?

11 MR. EDMONDS: Objection, form.

12 A. I believe I prepared to come and testify with  
13 respect to topic number 22.

14 Q. (BY MR. SUTTON) You cut out there. I'm  
15 sorry?

16 A. I believe I prepared myself to be able to  
17 testify on AdjustaCam's behalf with respect to item 22.

18 Q. Well, what did you review?

19 A. I believe that my testimony earlier was that I  
20 didn't review any specific documents.

21 Q. Well, if you didn't review any specific  
22 documents, how can you answer the topic number 22?

23 A. Well, I'm -- again, I am not an attorney and  
24 I'm not well versed in these matters, but based upon  
25 the topic as identified in the deposition notice, I

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1       considered the topic and I believe that I came prepared  
2       today to discuss that topic.

3           Q.     Okay. So the topic is, State all facts and  
4       circumstances relating to any financial arrangements  
5       that AdjustaCam has with Acacia. Are you prepared to  
6       do that?

7           A.     Yes, I believe so.

8           Q.     What do you have to say in response to that?

9                   MR. EDMONDS: Objection, form.

10          A.     AdjustaCam LLC is a wholly owned subsidiary of  
11       Acacia Research Group LLC.

12          Q.     (BY MR. SUTTON) Well, the question has to do  
13       with financial arrangements between the two, correct?

14          A.     Correct.

15          Q.     So do you have any information on that?

16                   MR. EDMONDS: Objection form.

17          A.     I believe the extent of the -- let me get the  
18       term right. Oh, here it is. The extent of the  
19       financial arrangement between AdjustaCam and Acacia  
20       Research Group LLC is to state that Acacia -- that  
21       AdjustaCam LLC is a wholly owned subsidiary of Acacia  
22       Research Group LLC.

23          Q.     That's your answer to that topic?

24          A.     Correct.

25          Q.     Pardon me?

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1           A.     Correct.

2           Q.     You have no further information in response to  
3     that topic?

4           A.     I believe that that response is responsive to  
5     that topic. Is there -- I don't know if you have  
6     additional questions about it, but --

7           Q.     Well, it says all facts and circumstances, so  
8     I'll ask you some specific questions.

9                       What was the initial date of those  
10    financial arrangements?

11                  MR. EDMONDS: Objection, form.

12           A.     Sitting here to today, I don't recall the date  
13     that AdjustaCam was formed.

14           Q.     (BY MR. SUTTON) Well, my question again was  
15     not when it was formed. My question was, what was the  
16     initial date of the financial arrangements between  
17     AdjustaCam and Acacia?

18           A.     Well, it's my understanding that the financial  
19     arrangement between the two entities is simply that  
20     AdjustaCam LLC is a wholly owned subsidiary of Acacia  
21     Research Group LLC. And so with respect that belief, I  
22     guess my thought is that the date would be a component  
23     of that. And sitting here today, I just don't recall  
24     the date that AdjustaCam LLC was formed.

25           Q.     But I'm not asking you when it was formed.

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1 I'm asking you when was the date -- when was the  
2 initial date of the financial arrangements between  
3 those two companies?

4 A. I'm sorry, I -- I don't know how else to  
5 explain it.

6 Q. Who was involved in the financial arrangements  
7 between those two companies?

8 A. Well, you've got AdjustaCam LLC and Acacia  
9 Research Group LLC. We spoke previously about certain  
10 officers of AdjustaCam LLC.

11 Q. You identified yourself as the CFO of Acacia  
12 Research Group LLC, correct?

13 A. I don't recall if that topic came up.

14 Q. I'm sorry, I misspoke. I think you identified  
15 yourself earlier as the CFO of AdjustaCam LLC, correct?

16 A. Correct.

17 Q. And when did that start? 

18 A. Upon formation of AdjustaCam LLC.

19 Q. When did that start? 

20 A. Upon formation of AdjustaCam LLC.

21 Q. The question was, you've identified yourself  
22 as the CFO of AdjustaCam LLC, correct?

23 A. Correct.

24 Q. When did you begin to hold that position?

25 A. Are you looking for a date? 

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1 Q. Yes.

2 A. Sitting here today, I just don't recall the  
3 date AdjustaCam LLC was formed. But whenever that date  
4 was, I was -- I became the CFO upon inception of  
5 AdjustaCam LLC.

6 Q. So based on your own personal knowledge, you  
7 are an officer of AdjustaCam LLC, correct?

8 A. That's also AdjustaCam's testimony as well.

9 Q. Yes. So you are an officer of AdjustaCam LLC,  
10 correct? 

11 A. Correct.

12 Q. And what date did that position that you have  
13 with AdjustaCam start? 

14 A. Sitting here today, I do not recall a date  
15 that AdjustaCam was formed. 

16 Q. And you don't know when you -- when you  
17 assumed that position? You don't know the date of when  
18 you assumed that position?

19 A. I --

20 Q. Of CFO of AdjustaCam LLC?

21 A. Correct. Sitting here today, I just don't  
22 recall that date.

23 Q. What about approximation?

24 A. Without looking at the books and records, I --  
25 I just don't know the date that AdjustaCam was formed.

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1           Q.    Was it in -- do you know whether it was in  
2 2009, 2010, or 2011?

3           A.    Well, I believe that it -- again, in an effort  
4 to be helpful, I believe that it would have been  
5 sometime in the 2010 time frame.

6           Q.    All right. And the 2010 time frame, the  
7 lawsuit I'll represent to you was started in July 2010.

8                 Were you in that position prior to July  
9 2010 when the lawsuit started?

10          A.    To the extent that AdjustaCam, you know,  
11 obviously was in existence prior to the lawsuit being  
12 filed, yes.

13          Q.    I'm sorry?

14          A.    Yes.

15          Q.    And, as you just said, that's obvious that  
16 AdjustaCam LLC was in existence when the -- well, let  
17 me rephrase that question.

18                 Do you know whether or not AdjustaCam LLC  
19 was in existence at the time the complaint was filed in  
20 July 2010?

21          A.    I believe it was.

22          Q.    And do you know how long prior to that it was  
23 formed?

24          A.    Sitting here today without looking at the  
25 books and records, I do not know the date that

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1     AdjustaCam was formed. But I believe that it was  
2     before the suit was filed. And, again, in an effort to  
3     be helpful, I believe it was sometime in the 2010 time  
4     frame. But to be sure, I would need to look at the  
5     books and records to confirm.

6           Q.    Do you know when outside counsel performed  
7     their pre-filing investigation for this lawsuit?

8           A.    Yes.

9           Q.    When?

10          A.    It's my understanding that that analysis was  
11     conducted in the May and June 2010 time frame.

12          Q.    And what's the basis for your understanding?

13          A.    Basis for my understanding comes from my  
14     preparation for today's deposition.

15          Q.    Well, did you look at a document or did you  
16     speak to someone to get that information?

17          A.    I spoke with outside counsel.

18          Q.    I'm sorry?

19          A.    I spoke with outside counsel in connection  
20     with my preparation for today's deposition.

21          Q.    Was that the first time that you found out  
22     that the pre-filing investigation was conducted in  
23     those months prior to the lawsuit?

24          A.    Again, I want to make sure I'm answering the  
25     appropriate question. When you say "that," what are